

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**ARTHUR COPELAND, et al.,**

Plaintiffs,

v.

Case No. 17-CV-564-TCK-JFJ

**C.A.A.I.R., INC., a not-for-profit  
corporation, et al.,**

Defendants.

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**DEFENDANTS’ NOTICE TO COURT ON REMAND OF DEFENDANTS’  
PENDING MOTION TO DISMISS WITH PREJUDICE CERTAIN  
PLAINTIFFS FOR NONCOMPLIANCE WITH THE COURT’S CLASS  
CERTIFICATION SCHEDULING ORDER**

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On December 10, 2020, the Court granted Defendants’ *Joint Motion to Dismiss* and entered judgment for Defendants. *See* Doc. Nos. 237, 238. Plaintiffs appealed. On May 1, 2023, the United States Court of Appeals for the Tenth Circuit vacated the judgment and remanded. *See Copeland v. C.A.A.I.R.*, No. 21-5024, 2023 WL 3166345 (10th Cir. May 1, 2023) (unpublished). The Court issued its mandate on May 23, 2023. *See* No. 21-5024, Doc. No. 11000988.

Prior to this Court’s dismissal and judgment for Defendants, Magistrate Judge Jodi Jayne denied Plaintiffs’ *Motion to Extend Deadline to Fully Comply with Their Discovery Obligations* (Doc. No. 181) and directed Defendants to “file a motion seeking” dismissal of Plaintiffs “deemed non-compliant with the terms of the CCSO [Class Certification Scheduling Order].” Doc. No. 219 at 14.<sup>1</sup> Defendants filed their *Motion to Dismiss* 54 of the 55 plaintiffs for being noncompliant with the

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<sup>1</sup> Judge Jayne’s order notes Plaintiffs’ counsel conceded “dismissal was proper” for six Plaintiffs. *See* Doc. No. 219 at 9.

CCSO. Doc. No. 220.<sup>2</sup> Defendants moved to dismiss those Plaintiffs with prejudice, as required under the CCSO. *Id.*; DOC No. 163.

Defendants' *Motion to Dismiss* has been fully briefed and is ripe for resolution. *See* Doc. Nos. 223, 226. As the Tenth Circuit has remanded this case, there is no longer any jurisdictional impediment to the Court considering and granting Defendants' *Motion to Dismiss*.

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<sup>2</sup> At the time of the Court's judgment, there were fifty-five Plaintiffs in this suit. However, two Plaintiffs – Dexter Mackay and Gilbert Sanders – did not appeal the judgment. *See Copeland*, 2023 WL 3166345, at \*2 n.4. Accordingly, only fifty-three Plaintiffs remain parties and subject to dismissal for noncompliance with the CCSO.

Respectfully submitted,

/s/ Randall E. Long (signed with permission)

Denelda L. Richardson, OBA No. 20103

Randall E. Long, OBA No. 22216

Nicholas J. Foster, OBA No. 33081

RHODES HEIRONYMUS JONES

TUCKER & GABLE, PLLC

P.O. Box 21100

Tulsa, Oklahoma 74121-1100

Telephone: 918-582.1173

Facsimile: 918.592.3390

*drichardson@rhodesokla.com*

*rlong@rhodesokla.com*

*nfoster@rhodesokla.com*

COUNSEL FOR DEFENDANTS

C.A.A.I.R, INC., JANET WILKERSON,

AND DON WILKERSON

/s/ Justin A. Lollman

Christopher S. Thrutchley, OBA No. 15859

John D. Russell, OBA No. 13343

Philip D. Hixon, OBA No. 19121

Justin A. Lollman, OBA No. 32051

GABLEGOTWALS

1100 ONEOK Plaza

100 West Fifth Street

Tulsa, Oklahoma 74103-4217

Telephone: 918.595.4800

Facsimile: 918.595.4990

*cthutchley@gablelaw.com*

*jrussell@gablelaw.com*

*phixon@gablelaw.com*

*jlollman@gablelaw.com*

-and-

Amy M. Stipe, OBA No. 18361

GABLEGOTWALS

One Leadership Square, Suite 1500

211 North Robinson Avenue

Oklahoma City, Oklahoma 73102

Telephone: 405.235.5500

Facsimile: 405.235.2875

*astipe@gablelaw.com*

COUNSEL FOR DEFENDANTS

SIMMONS FOODS, INC. AND

SIMMONS PET FOOD INC.

### CERTIFICATE OF SERVICE

I hereby certify that on 23 May 2023, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of the Electronic Filing to the following ECF registrants:

Daniel E. Smolen—*danielsmolen@ssrok.com*  
David A. Warta—*davidwarta@ssrok.com*  
Robert M. Blakemore—*bobblakemore@ssrok.com*  
Mark Smith—*msmith@carusolawfirm.com*  
Dennis Caruso—*dcaruso@carusolawfirm.com*  
Megan E. Lambert—*mlambert@acluok.org*

#### COUNSEL FOR PLAINTIFFS

Denelda Richardson—*drichardsoncourts@rhodesokla.com*  
Randall Edwin Long—*rlong@rhodesokla.com*  
Nicholas J. Foster—*nfoster@rhodesokla.com*

COUNSEL FOR DEFENDANTS,  
C.A.A.I.R. INC., JANET WILKERSON,  
DON WILKERSON, AND JIM LOVELL

/s/ Justin A. Lollman  
Justin A. Lollman